IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1957 OF 2005

Union Territory of Daman and Diu .. Applicant.

V/s.

Jayesh @ Jaila Bhagu Patel & Ors. ..Respondents.

Shri R.M. Agarwal with G.R.Agarwal for the Applicant.
Shri S.R. Chitnis, Sr. Counsel with Ms. Sharmila Kaushik for Respondents.
Shri A.S.Gadkari, APP for the Respondent No.9-State.

WITH

CRIMINAL REVISION APPLICATION NO. 65 OF 2005

Jayesh @ Jaila Bhagu Patel & Ors. .. Applicants.

v/s.

Union Territory of Diu & Daman. .. Respondent.

Shri S.R.Chitnis, Sr.Counsel with Ms. Sharmila Kaushik for the Applicants.
Shri R.M. Agarwal with G.R.Agarwal for the Respondent.

CORAM : A.M.KHANWILKAR, J.
DATED : MARCH 22, 2005

PC :-

1. Criminal Application No. 1957/2005 is not on board. Upon mentioning, taken on board. Heard alongwith Criminal Revision Application No. 65 of 2005. Copy of the application has been served on the

counsel for the accused in the companion revision application.

2. Perused the reasons recorded in the application for extension of time.

3. This court by order dated 21st September, 2004 directed the trial court to proceed with the trial and conclude the same, preferably within six months from the date of the order. However, immediately thereafter, when the matter was placed before the trial court for hearing, the revision applicants in the companion revision application preferred application before the trial court for discharge; as a result, the trial could not proceed further. If this is the reason why the trial court could not comply with the direction to conclude the trial within six months from the date of the order coupled with the fact that the question regarding discharge is pending before this court, the relief claimed in this application on in terms of prayer clause (b), deserves to be granted. In other words, the trial court shall complete the trial, preferably within one year from today. The accused shall co-operate for early disposal of the trial, if the same is required to

proceed.

4. In so far as, revision application No.65/2005 is concerned, during the course of argument learned APP brought to my notice that further chargesheet is likely to be filed by the investigating agency, as new material has been collected which will have to be placed on record alongwith the police report in terms of section 173(8) of the Cr. P.C.. It is stated by Shri Agarwal, the learned APP, that further police report will be filed within three weeks from today. If it is so, the appropriate course is to proceed with the hearing of the revision application only after further chargesheet is filed by the investigating agency before the trial court, as is proposed by them through their counsel.

5. Accordingly, the hearing of revision application No. 65/2005 is deferred for a period of four week from today.

6. Criminal Application No. 1957 of 2005 is disposed of in the above terms.

7. Ordered accordingly.

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